

PRINT in BLACK ink

Enter the name of the county in which you are filing this case.

STATE OF WISCONSIN, CIRCUIT COURT,

For Official Use

COUNTY

Enter the wife's name.

In re the marriage of:

Joint Petitioner-Wife:

Enter the wife's address.

First name Middle name Last name

Address

Address

City

State

Zip

On the far right, check divorce or legal separation.

and

Joint Petition
With Minor Children

Enter the husband's name.

Joint Petitioner-Husband:

Enter the husband's address.

First name Middle name Last name

Address

Address

City

State

Zip

Note: Leave case number blank; the clerk will add this.

☐ **Divorce-40101**
☐ **Legal Separation-40201**

Case No. _____

Enter the wife's date of birth [month, day, year], social security number, and occupation.

Check yes or no.

A. We are providing the following information about the wife:

1. Date of birth _____
2. Social security number _____
3. Occupation _____
4. Immediately before filing this petition, the wife will have lived in this county for 30 days or more.
☐ **Yes** ☐ **No**
5. Immediately before filing this petition, the wife will have lived in the state of Wisconsin for 6 months or more.
☐ **Yes** ☐ **No**
6. The wife is currently on active duty as a member of the Armed Forces of the United States of America or its allies.
☐ **Yes** ☐ **No**

Check yes or no.

Check yes or no.

Enter the husband's date of birth [month, day, year], social security number, and occupation.

Check yes or no.

B. We are providing the following information about the husband:

1. Date of birth _____
2. Social security number _____
3. Occupation _____
4. Immediately before filing this petition, the husband will have lived in this county for 30 days or more.
☐ **Yes** ☐ **No**
5. Immediately before filing this petition, the husband will have lived in the state of Wisconsin for 6 months or more.
☐ **Yes** ☐ **No**
6. The husband is currently on active duty as a member of the Armed Forces of the United States of America or its allies.
☐ **Yes** ☐ **No**

Check yes or no.

Check yes or no.

Enter the date [month, day, year], city, and state in which you were married.

Check divorce or legal separation. If legal separation, explain why you are filing for a legal separation and not a divorce.

Check yes or no.

If no, check yes or no.

If yes, identify the county, state and case number of the pending filing. If you do not know, write "unknown" in the blank.

Check yes or no. If no, respond to 5a-5d with information about the wife's most recent previous marriage.

If the wife had an additional previous marriage, respond to 5e-5h.

Check yes or no. If no, respond to 6a-6d with information about the husband's most recent previous marriage.

If the husband had an additional previous marriage, respond to 6e-6h.

C. We are providing the following marriage information:

1. We were married on (date) _____
2. We were married in (city) _____ (state) _____
3. We are filing for:
☐ **Divorce:** This marriage is irretrievably broken.
☐ **Legal Separation:** This marriage is broken and the reason we are requesting a legal separation and not a divorce is: _____

4. Previous Actions:

This is the first time that either my spouse or I have filed for divorce or legal separation from each other in Wisconsin or in any other state.

☐ **Yes**

☐ **No**, and one of those actions is currently pending in Wisconsin or another state.

☐ **Yes** ☐ **No**

County _____ State _____

Case number _____

5. This is the wife's first marriage.

☐ **Yes** ☐ **No**

a. The wife was previously married to _____

b. The marriage was terminated by ☐ **divorce.** ☐ **death.**

c. Date of the divorce or death: _____

d. The divorce was granted in:

Name of court: _____

City: _____ State: _____

e. The wife was also previously married to _____

f. The marriage was terminated by ☐ **divorce.** ☐ **death.**

g. Date of the divorce or death: _____

h. The divorce was granted in:

Name of court: _____

City: _____ State: _____

If the wife had more than 2 previous marriages, repeat 5e-5h on an additional sheet.

6. This is the husband's first marriage.

☐ **Yes** ☐ **No**

a. The husband was previously married to _____

b. The marriage was terminated by ☐ **divorce.** ☐ **death.**

c. Date of the divorce or death: _____

d. The divorce was granted in:

Name of court: _____

City: _____ State: _____

e. The husband was also previously married to _____

f. The marriage was terminated by ☐ **divorce.** ☐ **death.**

g. Date of the divorce or death: _____

h. The divorce was granted in:

Name of court: _____

City: _____ State: _____

If the husband had more than 2 previous marriages, repeat 6e-6h on an additional sheet.

D. We are providing the following information regarding our children:

1. The **minor** children (age 17 or younger) born to or adopted together by us before or during our marriage are:

☐ **None**

Name of child

Date of birth

Social security number

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

2. The **adult** children (age 18 or older) born to or adopted together by us before or during our marriage are:

☐ **None**

Name of child

Date of birth

Social security number

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

3. **Other** children born to the wife during this marriage, but not fathered by the husband are:

☐ **None**

Name of child

Date of birth

Social security number

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

4. To the best of our knowledge, the wife in this marriage:

☐ **is** ☐ **is not** currently pregnant.

5. The current address of the minor children is:

Address _____
Address _____
City _____ State _____ Zip _____

6. Previous addresses for the minor children:

Address _____
Address _____
City _____ State _____ Zip _____

Address _____
Address _____
City _____ State _____ Zip _____

Enter the name, date of birth [month, day, year], and social security number for each **minor** child. If you and your spouse do not have minor children together, check None.

Enter the name, date of birth [month, day, year], and social security number for each **adult** child. If you do not have adult children, check None.

Enter the name, date of birth [month, day, year], and social security number for any **other** children. If the wife gave birth to no other children check None.

If more than 2 attach additional sheet.

Check is or is not.

Enter the current address of the minor children. If they currently reside at separate addresses, provide those addresses on an additional sheet.

Enter any previous addresses for the minor children living **with the parents** during the past 5 years.

If the children have lived in more than 2 places over the past 5 years, provide those addresses on an additional sheet.

Check yes or no.

If yes, enter the name of that minor child and the name and address of the person with whom that child lived.

Attach an additional sheet, if necessary.

7. Currently, or during the last 5 years, one or more of the minor children lived with a person other than a parent.

☐ Yes ☐ No

Child _____
Person _____
Address _____
Address _____
City _____ State _____ Zip _____

Child _____
Person _____
Address _____
Address _____
City _____ State _____ Zip _____

Child _____
Person _____
Address _____
Address _____
City _____ State _____ Zip _____

Check yes or no.

If yes, enter the name of the court in which it was ordered, the case number assigned to it, and date it was ordered.

8. We have been a party witness or participated in another way in other past court proceedings concerning the custody of or physical placement or visitation with the minor children listed in **D1** or **D3**, in Wisconsin or in any other state.

A. ☐ Yes and the custody, physical placement, or visitation order was granted in:

Name of court: _____
Case Number: _____ Date: _____

B. ☐ No

9. We are aware of a proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings related to domestic violence, protective orders, termination of parental rights, or adoption concerning the children listed in **D1** or **D3**, in Wisconsin or in any other state.

A. ☐ Yes and the custody, physical placement, or visitation order was granted in:

Name of court: _____
Case Number: _____ Date: _____

B. ☐ No

10. We have made written agreements or received orders from the court about some or all of the matters in this action such as maintenance (spousal support), child support, legal custody or physical placement of the minor children, or property division.

☐ Yes ☐ No

If yes, we have attached a copy of the written agreement to this Joint Petition.

We ask that the court:

1. Grant a judgment as requested.
2. Enter an order granting maintenance.
☐ Yes ☐ No
3. Enter other orders as it deems just and equitable.

Check yes or no.

If yes, enter the name of the court in which it was ordered, the case number assigned to it, and date it was ordered.

Check yes or no. If yes, attach a copy of the written agreement.

If you are requesting maintenance (spousal support) at this time, check yes. If not, check no.

ACTS PROHIBITED BY STATUTE

In accordance with sec. 767.087 Wis. Stats., neither joint petitioners to this divorce or legal separation action can participate in any of the following activities while this action is pending:

1. Harassing, intimidating, physically abusing or imposing any restraint on the personal liberty of the other party or a minor child of either of the parties.
2. Encumbering, concealing, damaging, destroying, transferring, or in any other way disposing of property owned by either or both of the parties, without the consent of the other party or an order of the court or the Family Court Commissioner, except in the usual course of business, in order to secure necessities or in order to pay reasonable costs and expenses of the action, including attorney fees.
3. Establishing a residence with a minor child of the parties outside the state of Wisconsin or more than 150 miles from the residence of the other party within the state without the consent of the other party or an order of the court or Family Court Commissioner.
4. Removing a minor child of the parties from the state of Wisconsin for more than 90 consecutive days without the consent of the other party or an order of the court or Family Court Commissioner.
5. Concealing a minor child of the parties from the other party without the consent of the other party or an order of the court or Family Court Commissioner.

A VIOLATION OF THE ABOVE PROHIBITIONS MAY RESULT IN PUNISHMENT FOR CONTEMPT, WHICH MAY INCLUDE MONETARY PENALTIES, IMPRISONMENT, AND OTHER SANCTIONS AS PROVIDED FOR IN SEC. 785.04 WIS. STATS.

A violation of paragraphs 3, 4, or 5 above is not a contempt of court if the court finds that the action was taken to protect a party or a minor child of the parties from physical abuse by the other party and that there was no reasonable opportunity under the circumstances for the party to obtain an order authorizing the action.

These PROHIBITIONS apply until the action is dismissed, a final judgment in the action is entered, or the court orders otherwise.

STOP!

Take this document to a Notary Public **BEFORE** signing.

After the wife has been sworn by a Notary Public, she must sign and print her name and date the document in front of the Notary Public.

Signature

Print or Type Name

Date

Have the Notary Public
sign, date, and seal the
document.

Subscribed and sworn to before me
on _____

Notary Public, State of Wisconsin (Seal)

My commission expires: _____

STOP!
**Take this document to a
Notary Public BEFORE
signing.**

After the husband has
been sworn by a Notary
Public, he must sign and
print his name and date
the document in front of
the Notary Public.

Signature

Print or Type Name

Date

Have the Notary Public
sign, date, and seal the
document.

Subscribed and sworn to before me
on _____

Notary Public, State of Wisconsin (Seal)

My commission expires: _____

**Wisconsin Department of Workforce Development
Child Support Percentage of Income Standards**

Authority and Purpose

Wis. Stats. Sec. 49.22(9) requires the Department to adopt and publish a standard, based upon a percentage of the gross income and assets of either or both parents, to be used by courts in determining child support obligations. Chapter DWD 40 of the Wisconsin Administrative Code establishes Wisconsin's percentage of income standard for child support. It is based upon the principle that the child's standard of living should, to the degree possible, be the same as if the child's parents were living together.

Chapter DWD 40 defines the income upon which the support obligation is based, and sets the percentages of income for computing the support obligation based upon a number of children. It also explains optional procedures for adjusting the obligation when the parents share placement, when the payer has an obligation to support another family, or when the payer has particularly high or low income.

Applicability

The percentage standard applies to any temporary and final order for child support, including child support stipulations agreed to by both parents and modifications of existing child support orders. When used to calculate family support, the amount determined under the standard should be increased by the amount necessary to provide a net family support payment, after state and federal income taxes are paid, of at least the amount of a child support payment under the standard.

Definition of Income and Assets

Chapter DWD 40 defines gross income as income from any source, whether or not it is reported or taxed under federal law. The income can be in the form of money, property, or services. Public assistance or child support received from previous marriages or business expenses, which the court determines are reasonably necessary for the production of income or operation of a business are subtracted, and wages paid to dependent household member are added to determine "gross income available for child support."

The court may also determine that income may be "imputed" (assumed at a given level) based on earning capacity and/or assets, and that imputed income is added to the gross income for the calculation of the support obligation.

THE PERCENTAGE STANDARD

| | |
|----------------------|-------------------------------|
| The percentages are: | 17% for one child |
| | 25% for two children |
| | 29% for three children |
| | 31% for four children |
| | 34% for five or more children |

Wisconsin Statutes require temporary and final support orders to be expressed as fixed sum in most situations.

For further details, refer to Chapter DWD 40 of the Wisconsin Administrative Code and Wisconsin Statute 767 Actions Affecting the Family. (Choose "Wisconsin Law" on <http://www.legis.state.wi.us>)

**Statutory Factors Courts May Consider In Determining Child Support Awards for
Paternity, Divorce, or Legal Separation**

§767.25 Child Support.

(1m) Upon request by a party, the court may modify the amount of child support payments determined under s. 767.25 (1j) if, after considering the following factors, the court finds by the greater weight of the credible evidence that use of the percentage standard is unfair to the child or to any of the parties:

- (a) The financial resources of the child.
- (b) The financial resources of both parents.
- (bj) Maintenance received by either party.
- (bp) The needs of each party in order to support himself or herself at a level equal to or greater than that established under 42 USC 9902 (2).
- (bz) The needs of any person, other than the child, whom either party is legally obligated to support.
- (c) If the parties were married, the standard of living the child would have enjoyed had the marriage not ended in annulment, divorce or legal separation.
- (d) The desirability that the custodian remain in the home as a full-time parent.
- (e) The cost of day care if the custodian works outside the home, or the value of custodial services performed by the custodian if the custodian remains in the home.
- (ej) The award of substantial periods of physical placement to both parents.
- (em) Extraordinary travel expenses incurred in exercising the right to periods of physical placement under s.767.24.
- (f) The physical, mental and emotional health needs of the child, including any costs for health Insurance as provided for under sub. (4m).
- (g) The child's educational needs.
- (h) The tax consequences to each party.
- (hm) The best interests of the child.
- (hs) The earning capacity of each parent, based on each parent's education, training and work experience and the availability of work in or near the parent's community.
- (i) Any other factors which the court in each case determines are relevant.